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BILL NO. 79-57

AS AMENDED

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 79-57 (AS AMENDED)

Introduced by Council Member Kreamer

Legislative Day No. 79-30

Date: November 6, 1979

AN EMERGENCY ACT to add new Article VIII, heading, Drug Devices, to Chapter 14, heading, Morals and Conduct, of the Harford County Code, as amended; to prohibit the sale and display of ~~certain~~ DRUG paraphernalia for the administration of ~~controlled dangerous~~ CERTAIN ILLEGAL substances; PROVIDE FOR FORFEITURES; to define ~~certain terms~~ DRUG PARAPHERNALIA; and generally relating to the distribution of ~~certain~~ DRUG paraphernalia for the administration of controlled dangerous substances.

By the Council, November 6, 1979

Introduced, read first time, ordered posted and public hearing scheduled

on: December 4, 1979

at: 6:30 P.M.

By Order: Angela Markowski, Secretary

#### PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill having been published according to the Charter, a public hearing was held on December 4, 1979 and concluded on December 4, 1979.

Angela Markowski, Secretary

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1 Section 1. *Be It Enacted By The County Council of Harford County,*  
2 *Maryland,* that new Article VIII, heading, Drug Devices, be, and  
3 it is hereby added to Chapter 14, heading, Morals and Conduct, of  
4 the Harford County Code, as amended; all to read as follows:

5 CHAPTER 14. MORALS AND CONDUCT.

6 ARTICLE VIII. DRUG DEVICES.

7 Section 14-65. Definitions.

8 (a) The following words and phrases as used in this Article  
9 have the following meanings unless the context otherwise requires:

10 (1) "Cocaine spoon" means a spoon with a bowl so small  
11 that the primary use for which it is reasonably adapted or  
12 designed is to hold or administer cocaine, and which is so small  
13 as to be unsuited for the typical, lawful uses of a spoon. A  
14 cocaine spoon may or may not be labeled as a "cocaine" spoon or  
15 "coke" spoon.

16 (2) "Marijuana pipe" or "hashish pipe" means a pipe  
17 characterized by a bowl which is so small that the primary use  
18 for which it is reasonably adapted or designed is the smoking of  
19 marijuana or hashish, rather than the legal smoking of tobacco,  
20 and which may or may not be equipped with a screen.

21 Section-14-66. Prohibiting Sale of Certain Drug Devices.

22 It shall be unlawful for any person, firm or corporation to  
23 sell, offer for sale, distribute, display, furnish, supply or  
24 give away any cocaine spoon, marijuana pipe, hashish pipe, or any  
25 other instrument, implement, or device which is primarily adapted  
26 or designed for the administration or use of any controlled  
27 dangerous substance under circumstances which reasonably indicate  
28 an intent to use SELL, OFFER FOR SALE, DISTRIBUTE, DISPLAY,  
29 FURNISH, SUPPLY OR GIVE AWAY the paraphernalia for purposes of  
30 illegally administering any controlled dangerous substance. For  
31 the purpose of this Article, controlled dangerous substances are  
32 those substances as defined under Article 27, of the Annotated

1 Code of Maryland, as amended:

2 "DRUG PARAPHERNALIA" MEANS:

3 (a) ALL EQUIPMENT, DEVICES, MATERIALS AND ARTICLES WHICH  
4 ARE USED OR DESIGNED, ADAPTED OR APPROPRIATED FOR USE, FOR  
5 PRODUCING, PROCESSING, OR CONTAINING ANY MARIJUANA, HASHISH,  
6 HASHISH OIL, COCAINE, OR HEROIN; AND

7 (b) ALL EQUIPMENT, DEVICES, MATERIALS AND ARTICLES WHICH  
8 ARE USED OR DESIGNED, ADAPTED OR APPROPRIATED FOR USE, IN  
9 INGESTING, INJECTING, INHALING OR OTHERWISE INTRODUCING MARIJUANA,  
10 HASHISH, HASHISH OIL, COCAINE OR HEROIN, OR THE RESIDUE THEREOF,  
11 INTO THE HUMAN BODY.

12 SECTION 14-66. PROHIBITION.

13 IT IS UNLAWFUL FOR ANY PERSON, FIRM OR CORPORATION:

14 (a) TO OFFER FOR SALE, DISPLAY OR DISTRIBUTE ANY DRUG  
15 PARAPHERNALIA;

16 (b) TO POSSESS DRUG PARAPHERNALIA UNDER CIRCUMSTANCES WHICH  
17 REASONABLY INDICATE AN INTENT TO OFFER FOR SALE, DISPLAY, OR  
18 DISTRIBUTE SAID DRUG PARAPHERNALIA FOR THE PURPOSE OF FACILITATING  
19 THE ILLEGAL POSSESSION, DISTRIBUTION OR USE OF MARIJUANA, HASHISH,  
20 HASHISH OIL, COCAINE, HEROIN, OR THE RESIDUE THEREOF.

21 Section 14-67. Penalties.

22 (a) Any person violating any of the provisions of this  
23 Article shall be deemed guilty of a misdemeanor and, upon con-  
24 viction thereof, shall be fined not less than ten dollars (\$10.00)  
25 nor more than five hundred dollars (\$500.00), or imprisoned not  
26 less than ten (10) days nor more than three (3) months, or both  
27 fined and imprisoned.

28 (b) Each day during which a violation of this Article  
29 continues shall be deemed a separate offense.

30 (c) ANY PARAPHERNALIA PROHIBITED BY THIS ARTICLE IS SUBJECT  
31 TO FORFEITURE AS PROVIDED BY SECTION 297 OF ARTICLE 27 OF THE  
32 ANNOTATED CODE OF MARYLAND, AS AMENDED.

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1 Section 2. *And Be It Further Enacted*, that if any section,  
2 clause, phrase, word, provision or particular application of this  
3 act is for any reason held invalid or unconstitutional by any  
4 court of competent jurisdiction, such section, clause, phrase,  
5 word, provision or particular application shall be deemed a  
6 separate, distinct and independent provision or application and  
7 such holding shall not affect the validity of the remaining  
8 provision or subsequent application thereof.

9 Section 3. *And Be It Further Enacted*, that this Act is hereby  
10 declared to be an Emergency Act, necessary for the preservation  
11 of the health and safety of the citizens of Harford County and  
12 shall take effect on the date it becomes law.

13 EFFECTIVE: January 22, 1980  
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BY THE COUNCIL

Read the third time.

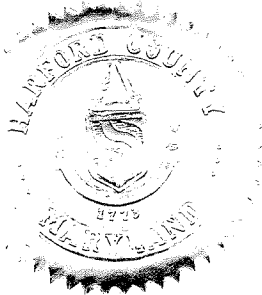
Passed LSD 80-1 (January 8, 1980) (with amendments)

~~Failed on first passage~~

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive  
for his approval this 9th day of January, 1980  
at 3:00 o'clock P.M.

Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED:

Thomas Barranger  
County Executive  
Date January 22, 1980

BY THE COUNCIL

This Bill, having been approved by the Executive and  
returned to the Council, becomes law on January 22, 1980.

Angela Markowski, Secretary

Rec'd & Recorded 4/7 19 80 at 2:36 P.M.  
HDC Liber 5 Folio 597 & examined per  
H. Douglas Chailcoat, Clerk, Harford Co.

EFFECTIVE DATE: January 22, 1980

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